

ORDINANCE 2022-23

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FERNANDINA BEACH, FLORIDA, BY AMENDING CHAPTER 78, TRAFFIC AND VEHICLES, BY AMENDING SECTION 78-1, BY REMOVING UNUSED DEFINITIONS AND CLARIFYING DEFINITIONS; BY AMENDING SECTION 78-2 TO INCORPORATE LANGUAGE FROM OTHER SECTIONS RELATING TO AUTHORITY TO REGULATE AND PENALTIES; BY AMENDING SECTION 78-3 CLARIFYING LANGUAGE; BY AMENDING SECTION 78-4 FUNERAL PROCESSIONS; BY RESERVING SECTIONS 78-5 THROUGH 78-40; BY AMENDING SECTION 78-41 SPEED RESTRICTIONS TO CLARIFY LANGUAGE; BY AMENDING SECTION 78-42 TO CLARIFY LANGUAGE; BY AMENDING SECTION 78-43 RELATING TO LOCATIONS WHERE SKATEBOARDING IS PROHIBITED; BY AMENDING SECTION 78-44 AUTHORIZING THE CITY MANAGER TO LIMIT IDLING AND PARKING ON CERTAIN STREETS AND PROVIDING FOR PENALTIES; BY AMENDING SECTION 78-45 REMOVING A DEFINITION; BY AMENDING SECTION 78-71 TO CLARIFY LANGUAGE; BY AMENDING SECTION 78-72 RELATING TO IMPOUNDMENT OF ILLEGALLY PARKED VEHICLES; BY AMENDING SECTIONS 78-73 THROUGH 78-89 TO CLARIFY LANGUAGE; BY AMENDING SECTION 78-90 REMOVING THE RESTRICTION STARTING PARKED CARS; BY RENUMBERING SECTIONS 78-91 AND 78-92 AND AMENDING THE FINES FOR PARKING VIOLATIONS; RESERVING SECTION 78-92; REPEALING ARTICLE III, DIVISION 2, PARKING METERS IN ITS ENTIRETY AND RESERVING SECTIONS 78-101-110; REPEALING ARTICLE IV, TOWING REGULATIONS, IN ITS ENTIRETY; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City regulates traffic and vehicles to maintain the health, safety and welfare of its citizens; and

WHEREAS, the City has been making an effort to ensure that the Code of Ordinances is written in plain language and is consistent throughout the document; and

WHEREAS, the City Attorney has been tasked with reviewing the Code of Ordinances for clarity, consistency, and relevance; and

WHEREAS, the City Attorney's Code Review Committee has recommended changes to Chapter 78, Traffic and Vehicles, of the City of Fernandina Beach Code of Ordinances; and

WHEREAS, the City Commission believes it is in the best interest of the citizens to amend Chapter 78, Traffic and Vehicles.

NOW, THEREFORE, THE CITY OF FERNANDINA BEACH, FLORIDA, HEREBY ENACTS:

SECTION 1. It is proposed that Chapter 78, Section 1, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended to read as follows:

Section 78-1. Definitions.

The following words, terms and phrases, when used in this chapter, ~~shall~~ have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal-drawn vehicle means any cart, coach, trailer, carriage, wagon, or other vehicle drawn by an animal, by which any person is or may be transported upon a public way, street, road, highway or alley.

~~*Authorized emergency vehicles* means vehicles of the fire department (fire patrol), police vehicles, and those ambulances and emergency vehicles of any other City departments, public service corporations operated by private corporations, and the state department of transportation, as are designated or authorized by the department or by the chief of police of this city.~~

Bicycle means every vehicle propelled solely by human power, ~~or any moped propelled by a pedal-activated helper motor with a manufacturer's certified maximum rating of 1½ brake horsepower, and every~~ motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position, or a scooter or similar device.

Bicycle path means any road, path or way that is open to bicycle travel, which ~~road, path or way~~ is physically separated from motorized vehicular traffic by an open space or by a barrier and is located either within the highway right-of-way or within an independent right-of-way.

Bus means any motor vehicle designed for carrying more than ten passengers and used for the transportation of persons, and any motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

Business district means the territory contiguous to, and including, a highway when 50 percent or more of the frontage thereon, for a distance of 300 feet or more, is occupied by buildings in use for business.

Commercial motor vehicle means any self-propelled or towed vehicle used on the public highways in commerce to transport passengers or cargo, if such vehicle has a gross vehicle weight rating of 10,000 pounds or more, is designed to transport more than ten passengers, including the driver, or is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act, as amended (49 U.S.C. § 1801 et seq.).

Crosswalk means that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence

of curbs, from the edges of the traversable roadway; or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Driver means any person who drives or is in actual physical control of a vehicle on a highway or who is exercising control of a vehicle or steering a vehicle being towed by a motor vehicle.

Emergency vehicles means vehicles of the fire department, police, and those ambulances and emergency vehicles of any other City departments, and the state department of transportation, as are designated or authorized by the department or by the chief of police of this City.

House trailer means:

- (1) ~~A trailer or semitrailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on streets and highways; or~~
- (2) ~~A trailer or a semitrailer, the chassis and exterior shell of which is designed and constructed for use as a house trailer, as defined in subsection (1), above, but which is used instead, permanently or temporarily, for the advertising, sales, display, or promotion of merchandise or services or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.~~

Highway means a main road or thoroughfare, such as a street, boulevard or parkway, available to the public for use for travel or transportation.

Intersection means:

- (1) The area embraced within the prolongation or connection of the lateral curblines; or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles; or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.
- (2) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway ~~shall be~~ is regarded as a separate intersection. If such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways ~~shall be~~ is regarded as a separate intersection.

~~*Laned highway* means a highway, the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.~~

~~*Limited access facility* means a street or highway especially designed for through traffic and over, from, or to which owners or occupants of abutting land or other persons have no right or easement, or only a limited right or easement, of access, light, air, or view by reason of the fact that their property abuts upon such limited access facility or for any other reason. Such highways or streets may be parkways from which trucks, buses and other commercial vehicles are excluded; or they may be freeways open to use by all customary forms of street and highway traffic.~~

Motor vehicle means and includes any vehicle which is self-propelled ~~and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails,~~ but not including any bicycle or moped as defined under the definition of "bicycle."

~~*Motor driven cycles* means any motorcycle, including any motor scooter, having a motor with 150 cubic centimeters displacement or less, and any bicycle or moped with a motor having a displacement of more than 50 cubic centimeters or which is capable of propelling the vehicle at a speed in excess of 30 miles per hour on level ground.~~

Motorcycle means any motor vehicle powered by a motor with a displacement of more than 50 cubic centimeters, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

~~*Official traffic control devices* means and includes all signs, signals, markings, and devices not inconsistent with this chapter, placed or erected by authority of the city for the purpose of regulation, warning or guiding traffic.~~

~~*Official traffic control signal* means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.~~

Operator means any person who is in actual physical control of a motor vehicle upon the highway, or who is exercising control over or steering a vehicle being towed by a motor vehicle.

Owner means a person who holds the legal title of a vehicle, or, if a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, then such conditional vendee, or lessee, or mortgagor shall be is deemed the owner, for the purposes of this chapter.

Park or parking means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers as may be permitted by law under this chapter.

Pedestrian means any person afoot.

~~*Pole trailer* means any vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections.~~

Police officer means any municipal police officer authorized to direct or regulate traffic or make arrests for violations of traffic regulations.

~~*Private road or driveway* means any privately owned way or place used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.~~

Railroad means a carrier of persons or property upon cars operated upon stationary rails.

Railroad sign or signal means any sign, signal or device erected by authority of the city or the state, or by a railroad, and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

~~*Railroad train* means a steam engine, or electric or other motor, with or without cars coupled thereto, operated upon rails, except a streetcar.~~

Recreational Vehicle (RV) means a unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Recreational vehicle-type units, when traveling on the public roadways of this state, must comply with the length and width provisions of s. 316.515 as that section may hereafter be amended. For the purposes of this chapter, travel trailers, camping trailers, truck campers, motor homes, private motor coaches, van conversions, park trailers, and fifth-wheel trailers are considered recreational vehicles.

~~Residence~~ Residential district means the territory contiguous to, and including, a highway, not comprising a business district, when the property on such highway, for a distance of 300 feet or more, is, in the main, improved with residences or residences and buildings in use for business.

Right-of-way means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other; or land which a public entity owns in fee simple or holds an easement over, which all or a portion of is used for vehicular travel.

~~Road tractor means any motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon, either independently or as any part of the weight of a vehicle or load so drawn.~~

Roadway means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If a highway includes two or more separate roadways, the term "roadway" ~~shall~~ refers to any such roadway separately, but not to all such roadways collectively.

Safety zone means the area or space officially set apart within a roadway for the exclusive use of pedestrians and protected or so marked by adequate signs or authorized pavement markings as to be plainly visible at all times while set apart as a safety zone.

~~School bus means any motor vehicle that complies with the color and identification requirements of F.S. ch. 234 and is used to transport children to or from school or in connection with school activities, but not including buses operated by common carriers in urban transportation of school children.~~

Semitrailer means any vehicle, with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon, or is carried by, another vehicle.

Sidewalk means that portion of a street between the curblin, or the lateral line, of a roadway and the adjacent property lines, intended for use by pedestrians.

Skateboard means a device composed of a short board or other material to which is attached by one or more wheels, upon which a person may stand, kneel, or sit, which device is used for gliding or rolling over a surface. The device can be self-propelled or electric.

Stand or standing means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of, and while ~~actually~~ engaged in, receiving or discharging passengers, as may be permitted by law under this chapter.

State road means any highway designated as a state-maintained road by the state department of transportation.

Stop means:

- (1) When required, complete cessation from movement.
- (2) When prohibited, any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or to comply with the directions of a law enforcement officer or traffic control sign or signal.

~~*Straight truck* means any truck on which the cargo unit and the motive power unit are located on the same frame so as to form a single, rigid unit.~~

~~*Street or highway* means the entire width between the boundary lines of every way or place of whatever nature when any part thereof is open to the use of the public for purposes of vehicular traffic, or any area, such as a runway, taxiway, ramp, clear zone, or parking lot, within the boundary of any airport owned by the city, which area is used for vehicular traffic but which is not open for vehicular operation by the general public means a roadway owned and maintained by the City for public use.~~

~~*Tandem trailer truck* means any combination of a truck tractor, semitrailer, and trailer coupled together so as to operate as a complete unit.~~

~~*Through highway* means any highway or portion thereof on which vehicular traffic is given the right of way and at the entrances to which vehicular traffic from intersecting highways is required to yield the right of way to vehicles on such through highway in obedience to either a stop sign or yield sign, or otherwise in obedience to law.~~

Traffic means pedestrians, ridden or herded animals, ~~and~~ vehicles, ~~streetcars~~ and other conveyances, either singly or together, while using any street or highway for purposes of travel.

Traffic control devices means and includes all signs, signals, markings, and devices placed or erected by authority of the City for the purpose of regulation, warning or guiding traffic.

Traffic control signal means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

Trailer means any vehicle with or without motive power, ~~other than a pole trailer~~, designed for carrying persons or property and for being drawn by a motor vehicle.

Truck means any motor vehicle designed, used or maintained primarily for the transportation of property.

~~*Truck trailer* means any motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.~~

Vehicle means any device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.

SECTION 2. It is proposed that Chapter 78, Section 2, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended to read as follows:

Section 78-2. Authority to regulate; Compliance required; Penalties.

- (a) The authority to make and enforce all rules and regulations governing traffic and the use of the streets of the City by vehicles and pedestrians is vested in the office of the City Manager, and the

person holding that office is given full power to designate directions of traffic, time limits and location for parking, reservation of parking places, maximum and minimum speeds, insofar as such designations do not conflict with the laws of the state, to establish through streets and stop crossings, and to install street signs, indicators and markings as is necessary or advisable for the operation and enforcement of this chapter.

- (b) The police department, under the direction of the City Manager, has full power and is charged with all duties in relation to the management of vehicular traffic. No person may willfully fail or refuse to comply with any lawful order or direction of a police officer.
- (c) It is a violation for any person to do any act forbidden or fail to perform any act required in this chapter.
- (d) Whoever violates any provision of this chapter for which another penalty is not already otherwise provided is subject to the penalty provisions set forth in F.S. § 316.655 and F.S. 318.

SECTION 3. It is proposed that Chapter 78, Section 3, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended to read as follows:

Section 78-3. Pushcarts, bicycles or animal-drawn vehicles to obey traffic regulations.

Every person propelling any pushcart or riding a bicycle or an animal upon a roadway, and every person driving any animal-drawn vehicle, ~~shall be~~ are subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions of this chapter which by their very nature can have no application.

SECTION 4. It is proposed that Chapter 78, Section 4, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended to read as follows:

~~Sec. 78-4. Authority to regulate and enforce traffic rules and regulations.~~ Funeral Processions.

~~The authority to make and enforce all rules and regulations governing traffic and the use of the streets of the city by vehicles and pedestrians is vested in the office of the city manager, and the person holding that office is given full power to designate directions of traffic, time limits and location for parking, reservation of parking places, maximum and minimum speeds, insofar as such designations shall not conflict with the laws of the state, to establish through streets and stop crossings, and to install those street signs, indicators and markings as shall be necessary or advisable for the operation and enforcement of this chapter.~~

- (a) No funeral, procession, or parade containing 200 or more persons or 50 or more vehicles, excepting the forces of the United States military, the military forces of this state, and the forces of the police and fire departments, may occupy, march, or proceed along any street except in accordance with a permit issued by the City Manager and any other regulations as are set forth in this chapter which may apply.

(b) A funeral composed of a procession of vehicles must be identified as such by lighted headlights.

(c) Each driver in a funeral or other procession must drive as near to the righthand edge of the roadway as practical and follow the vehicle ahead as close as is practical and safe.

SECTION 5. It is proposed that Chapter 78, Sections 5-40, of the Code of Ordinances, City of Fernandina Beach, Florida, are hereby reserved to read as follows:

~~Section 78-5. Power and duty of police department.~~

~~The police department, under the direction of the city manager, shall have full power and be charged with all duties in relation to the management of vehicular traffic.~~

~~Section 78-6. Compliance with directions of police.~~

~~No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer.~~

~~Section 78-7. Penalty for violation of chapter.~~

~~Whoever violates any provision of this chapter for which another penalty is not already otherwise provided shall be subject to the penalty provisions set forth in F.S. § 316.655 and ch. 318.~~

~~Section 78-8. Funeral processions.~~

- ~~(a) No funeral, procession, or parade containing 200 or more persons or 50 or more vehicles, excepting the forces of the United States Army, Navy or Air Force, the military forces of this state, and the forces of the police and fire departments, shall occupy, march, or proceed along any street except in accordance with a permit issued by the city manager and any other regulations as are set forth in this chapter which may apply.~~
- ~~(b) A funeral composed of a procession of vehicles shall be identified as such by lighted headlights or by the display upon the outside of each vehicle of a pennant of a type designated by the police department.~~
- ~~(c) Each driver in a funeral or other procession shall drive as near to the righthand edge of the roadway as practical and follow the vehicle ahead as close as is practical and safe.~~

Sections 78-5-78-40. Reserved.

SECTION 6. It is proposed that Chapter 78, Section 41, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended to read as follows:

Sec. 78-41. Speed restrictions.

The City Manager is empowered to designate speed restrictions in any area as long as the speeds conform with state speed laws.

- (a) No person ~~shall~~ may drive a vehicle on a street at a speed greater than is reasonable and prudent under the conditions then existing.
- (b) Where no special hazard exists, the following speeds ~~shall be~~ are lawful, when not otherwise posted, but any speed in excess of those limits ~~shall will~~ be prima facie evidence that the speed is not reasonable or prudent and is unlawful:
 - (1) Twenty miles per hour in any business district.
 - (2) Twenty-five miles per hour in any ~~residence~~ residential district.
 - (3) Fifteen miles per hour in a school zone.
 - (4) Five miles per hour on the Atlantic Ocean beach ~~as provided in section 90-48.~~

~~The city manager shall be empowered to designate speed restrictions in any area as long as the speeds conform with state speed laws.~~

- (c) The fact that the speed of a vehicle is lower than the limits set out in this section ~~shall~~ does not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hillcrest, when traveling upon any narrow or winding roadway, or when special hazard exists with respect to pedestrians or other traffic, or by reason of weather or highway conditions; and speed ~~shall~~ must be decreased as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the street, in compliance with legal requirements and the duty of all persons to use due care.
- (d) In every charge of violation of this section, the complaint, ~~and also~~ the summons or notice to appear, ~~shall will~~ specify the speed at which the defendant is alleged to have driven, and the prima facie speed applicable within the district or at the location.
- (e) The provisions of this section ~~shall~~ will not be construed to relieve the plaintiff in any civil action from the burden of proving negligence upon the part of the defendant as the proximate cause of an accident.

SECTION 7. It is proposed that Chapter 78, Section 42, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended to read as follows:

Section 78-42. Boarding or alighting from vehicle.

No person ~~shall~~ may board or alight from any vehicle while that vehicle is in motion.

SECTION 8. It is proposed that Chapter 78, Section 43, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended to read as follows:

Section 78-43. Skateboards, coasters, and roller-skates, ~~and the like.~~

- (a) ~~The use of skateboards, coasters, rollerskates, in-line skates or other similar devices is specifically prohibited in the following areas, which shall be designated by appropriate signs:~~ It is unlawful for any person to operate roller skates or skateboard in any of the following places within the limits of the City:
- ~~(1) Centre Street from Eighth Street to the Amelia River.~~
 - ~~(2) North 18th Street from Broome to Highland Drive.~~
 - ~~(3) North Wolfe Street from Atlantic Avenue to Highland Street.~~
 - ~~(4) Citrona from Atlantic Avenue to Florida Avenue.~~
 - ~~(5) Jasmine Street from Fletcher Avenue westward 400 feet.~~
- (1) On any public property where signs are posted prohibiting such use.
- (2) On private property where a sign prohibiting such skating or skateboarding has been posted by the owner, lessee, or person in charge of the property.
- (b) All operators of skateboards, coasters, roller_skates, in-line skates or other similar devices under the age of 16 ~~shall be~~ are required to wear appropriate helmets for safety. Operators of roller skates or skateboards may not, while skating or skateboarding, use any type of listening device, such as radios, headsets, or headphones. The only exception to the above is the use of hearing aids.
- (c) ~~The riding of bicycles shall be prohibited on sidewalks on Centre Street from 8th Street to the Amelia River and including 8th Street through 2nd Street from Alachua Street to Ash Street. However, the city manager is authorized to issue special permits to those persons who are disabled or handicapped, as defined under the Americans with Disabilities Act, exempting such persons from this provision. Operators of roller skates or skateboards are, at all times, while operating said skates or skateboards subject to and must obey all applicable traffic regulations governing bicycles as set forth in F.S. Ch. 316.~~
- (d) Operators of roller skates or skateboards are prohibited from skating or skateboarding on any public street during the hours of darkness unless reflective equipment is utilized so as to make the skater or skateboarder clearly visible to operators of motor vehicles. For purposes of this section, darkness is meant to be one-half (½) hour before sunset until one-half (½) hour after sunrise.
- ~~(de)~~ The use of skateboards, coasters, roller_skates, in-line skates or other similar devices is specifically prohibited at any public facility, ~~including but not limited to city hall and the parking lot, unless such facility has been designated for the use of said equipment.~~ that is not designated for the intended purpose.
- ~~(ef)~~ ~~The operator of a skateboard, roller_skate, coaster, in-line skates and other similar device on streets, sidewalks and bikepaths shall yield the right of way to vehicular traffic and to pedestrian traffic upon the streets, sidewalks and bikepaths within the city. Operators of roller skates or skateboards must yield the right-of-way to other pedestrians using public sidewalks and must not otherwise endanger or interfere with pedestrian traffic on those sidewalks.~~
- ~~(fg)~~ No more than one person ~~shall~~ may operate or ride on a skateboard at any one time.

(gh) No skateboard rider or operator ~~shall~~ may attach the skateboard or himself to any moving vehicle upon any roadway.

(hi) ~~Penalty. Any person willfully violating the provisions of this section may be counseled, given an oral or written warning, or be subject to confiscation of his or her skateboard, coaster, rollerskates, in line skates or similar device for each and every violation. Any person violating the provisions of this section is guilty of an offense punishable by a fine of fifty dollars (\$50.00) per violation, payable within ten (10) days to the Fernandina Beach Police Department. A late fee of twenty dollars (\$20.00) will be attached to any fine not paid by the due date.~~

SECTION 9. It is proposed that Chapter 78, Section 44, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended to read as follows:

Section 78-44. Vehicular traffic on City streets.

- (a) Based upon objective criteria to be uniformly administered, the City Manager is authorized to evaluate and designate certain streets of the City to be traversed only by automobiles, vans, ~~and~~ light trucks and ~~categories of~~ miscellaneous lighter vehicles such as motorcycles ~~and the like~~. The City Manager is also authorized to limit idling or parking in rights-of-way using these same criteria. Some of the objective criteria to be considered by the City Manager in reaching a determination ~~shall~~ will include, but not be limited to, such factors as street curvature, vegetative canopy, radius, structural road stability, traffic levels, adjoining land usages, etc. This section ~~shall~~ does not apply to City vehicles, ~~and designated~~ emergency vehicles, and other vehicles which the City Manager may permit for a necessary and justifiable purpose on a non-recurring basis.
- (b) The City streets ~~to which the provisions of this section are applicable are those~~ which have been so designated by the City Manager ~~and which are also~~ will be posted with signage complying with department of transportation standards for such signs stating as follows: "Cars, vans and light trucks only. Violators will be subject to fines not to exceed \$500.00."
- (c) In the event an affected party disagrees with the designation of streets pursuant to this section, the affected party may ~~pursue and~~ appeal of such designation to the City Commission.
- (d) The penalty for violation of this section ~~shall not exceed~~ is \$50.00 for a first offense, \$250.00 for a second offense, and \$500 for a third offense occurring within a twelve-month period. \$500.00 and shall be administered pursuant to section 1-12(b a).

SECTION 10. It is proposed that Chapter 78, Section 45, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended to read as follows:

Section 78-45. Unauthorized temporary use of a motor vehicle.

(a) ~~Definition. For the purpose of this section, "motor vehicle" is defined as provided in F.S. § 316.003(21).~~

(a b) Unlawful temporary use of motor vehicle.

- (1) It is unlawful for a person to temporarily use a motor vehicle without the authority of the owner or the owner's duly appointed representative, or to knowingly assist in or be a party to such unauthorized use.
 - (2) It ~~shall be~~ is prima facie evidence of intent to use a motor vehicle in violation of this section when any person:
 - a. Willingly and without authority is in possession of ~~and~~ or drives a motor vehicle belonging to another.
 - b. Willfully and without authority assists in or is a party to taking possession of or driving a motor vehicle belonging to another.
- (b e) ~~Penalty. It is unlawful for any person to violate this section.~~ A violation of this section ~~shall~~ will subject the violator to a penalty, upon conviction, of a fine up to 500.00 ~~and/or ten days in the Nassau County Detention Facility.~~

SECTION 11. It is proposed that Chapter 78, Section 71, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended to read as follows:

Section 78-71. Owner responsible for illegal parking.

No person ~~shall~~ may allow, permit or suffer any vehicle registered in ~~his~~ their name to stand or park in any street in this City in violation of this chapter or any other ordinances of this City regulating the standing or parking of vehicles.

SECTION 12. It is proposed that Chapter 78, Section 72, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended to read as follows:

Section 78-72. Authority to impound or tow illegally parked vehicles.

The chief of police or any police officer of the City ~~may cause to be impounded or towed: is authorized to take up or cause to be taken up or removed to a place designated by the city manager any vehicle parked in violation of any of the provisions of this chapter, and is authorized and empowered to keep such vehicle in that place so designated by the city manager until all outstanding fines and charges assessed for moving and storage against the owner and the vehicle have been paid or satisfactory bond arranged.~~

- (1) Any motor vehicle unlawfully parked in violation of any provision of the City ordinances which prohibits the parking of vehicles at the place where or time when the impounded motor vehicle is found.
- (2) Any motor vehicle which:
 - a. Is a stolen motor vehicle; or
 - b. Is subject to seizure and forfeiture under the laws of the state; or

c. Is subject to being held for use as evidence in a criminal trial.

d. During a designated special event where signs prohibited parking.

(3) Any motor vehicle, the continued presence of which, because of the physical location or condition of the motor vehicle, poses a danger to the public safety or to the motor vehicle.

SECTION 13. It is proposed that Chapter 78, Section 73, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended to read as follows:

Section 78-73. Allowance for free movement of vehicular traffic.

- (a) No person ~~shall~~ may stop, stand or park any vehicle upon a street, other than an alley, in a manner or under those conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic, except that a driver may stop temporarily during the ~~actual~~ loading or unloading of passengers or when necessary in obedience to traffic regulations or traffic signs or signals or a police officer.
- (b) No person ~~shall~~ may park a vehicle within an alley for over 15 minutes unless there is left available not less than eight feet of the width of the roadway for the free movement of vehicular traffic.

SECTION 14. It is proposed that Chapter 78, Section 74, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended to read as follows:

Section 78-74. Hazardous or congested places.

When signs are erected upon the approach to hazardous or congested places, no person ~~shall~~ may stop, stand or park a vehicle in that designated place.

SECTION 15. It is proposed that Chapter 78, Section 75, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended to read as follows:

Section 78-75. Exiting parked positions.

Cars parked ~~shall~~ must move out in the direction headed, or if they are parked at an angle with the curb they ~~shall~~ must back out on that angle until they have cleared the other cars and ~~shall~~ proceed in the direction they are most nearly headed in.

SECTION 16. It is proposed that Chapter 78, Section 76, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended to read as follows:

Section 78-76. Maximum parking time on streets.

No person who owns or has possession, custody or control of any vehicle ~~shall~~ may park that vehicle on any street or alley of this City for more than a consecutive period of 60 hours.

SECTION 17. It is proposed that Chapter 78, Section 77, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended to read as follows:

Section 78-77. Time limit in designated places and no overnight parking without permit.

- (a) When ~~signs~~-signage ~~are~~ is erected ~~in each block~~ giving notice thereof, ~~no a person shall~~ may park a vehicle ~~only during the designated hours listed for longer than such time as may be posted thereon.~~
- (b) The changing of the position of a vehicle from one point directly to another point within the same block ~~shall be~~ is deemed one continuous parking period.
- (c) No person ~~shall~~ may park any vehicle, including but not limited to ~~cars, boats, RV's, campers, trucks or vans, commercial motor vehicles, or trailers,~~ overnight ~~or between the hours of 2:00 a.m. and 4:00 a.m.~~ where signs prohibit such parking.
- (d) The City may provide a permit for parking overnight ~~or between the hours of 2:00 a.m. and 4:00 a.m.~~ where signage indicates permits are available and the current City permit is displayed conspicuously in the windshield of the vehicle.

SECTION 18. It is proposed that Chapter 78, Section 78, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended to read as follows:

Section 78-78. Parking adjacent to schools.

When signs are erected indicating no parking upon that side of the street adjacent to any school property, no person ~~shall~~ may park a vehicle in that designated place.

SECTION 19. It is proposed that Chapter 78, Section 79, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended to read as follows:

Section 78-79. Passenger and loading zones.

- (a) *Passenger zones.* No person ~~shall~~ may stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger zone during the hours when the regulations applicable to that passenger zone are effective, and then only for a period not to exceed ~~three~~ five minutes.
- (b) *Loading zones.*
 - (1) No person ~~shall~~ may stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a loading zone during hours when the provisions applicable to loading zones are in effect. In no case ~~shall~~ will the stop for loading and unloading of materials exceed 30 minutes.

- (2) In places where and at hours when stopping for the loading or unloading of merchandise or materials is permitted, vehicles used for the transportation of merchandise or materials may back into the curb to take on or discharge loads when the owner of the vehicle holds a permit granting him the privilege, and the permit ~~shall~~ must be either in the possession of the driver or on the vehicle at the time the vehicle is backed against the curb to take on or discharge a load.
- (3) It ~~shall be~~ is unlawful for any owner or driver to violate any of the ~~special~~ terms or conditions of any special permit.

SECTION 20. It is proposed that Chapter 78, Section 80, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended to read as follows:

Section 78-80. Bus and other stands.

- (a) The driver of a bus, taxicab, trolley, or horse-drawn vehicle or carriage ~~shall may~~ not stand or park upon any street in any business district at any place other than at a bus stop, or taxicab, trolley, or horse-drawn vehicle or carriage stand, except that this provision ~~shall does~~ not prevent the driver of that vehicle from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while ~~actually~~ engaged in loading or unloading passengers.
- (b) No person ~~shall may~~ stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand or a horse-drawn vehicle or carriage in a horse-drawn vehicle or carriage stand, when that stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while ~~actually~~ engaged in loading or unloading passengers when the stopping does not interfere with any bus, taxicab, or horse-drawn vehicle or carriage waiting to enter or about to enter that zone.

SECTION 21. It is proposed that Chapter 78, Section 81, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended to read as follows:

Section 78-81. Parking after storm warnings have been issued.

It ~~shall be~~ is unlawful for any person to park any motor vehicle upon the streets of the City for a period of more than 30 minutes during any time that official storm warnings have been issued affecting the City area by the National Weather Service United States Weather Bureau.

SECTION 22. It is proposed that Chapter 78, Section 82, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended to read as follows:

Section 78-82. Washing, display or sale of parked vehicle; sales or advertising from parked vehicle.

- (a) No person ~~shall may~~ stand or park a vehicle upon any roadway or right of way for the principal purpose of:
 - (1) Displaying it for sale; or
 - (2) Washing, ~~greasing~~ or repairing such vehicle, except for repairs necessitated by an emergency.
- (b) No person ~~shall may~~ operate or park on any street any vehicle for the primary purpose of advertising or for the sale of any merchandise or anything of value unless a permit ~~therefor~~ is first obtained.

SECTION 23. It is proposed that Chapter 78, Section 83, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended to read as follows:

Section 78-83. Manner of parking.

- (a) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway ~~shall be so~~ must be stopped or parked with the right-hand wheels parallel to and within 12 inches of the right-hand curb or edge of the roadway.
- (b) ~~Except when otherwise provided by local ordinance,~~ Every vehicle stopped or parked upon a one-way roadway ~~shall~~ must be ~~so~~ stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within 12 inches of the right-hand curb or edge of the roadway, or its left wheels within 12 inches of the left-hand curb or edge of the roadway.
- (c) Exemptions to manner of parking will be granted to public safety vehicles and public service vehicles when in the performance of their official duties these vehicles cannot be parked legally.

SECTION 24. It is proposed that Chapter 78, Section 84, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended to read as follows:

Section 78-84. Stopping, standing, or parking prohibited in specified places.

- (a) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person ~~shall~~ may:
 - (1) Stop, stand or park a vehicle:
 - a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
 - b. On a sidewalk.
 - c. Within an intersection.
 - d. On a crosswalk.
 - e. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the department of transportation or department of public works indicates a different length by signs or markings.
 - f. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic.
 - g. Upon any bridge or other elevated structure upon a highway.
 - h. On any railroad tracks.
 - i. On a bicycle path.
 - j. At any place where official traffic control devices prohibit stopping.
 - (2) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
 - a. In front of a public or private driveway.
 - b. Within 15 feet of a fire hydrant.
 - c. Within 20 feet of a crosswalk at an intersection.

- d. Within 30 feet upon the approach to any flashing signal, stop sign, or traffic control signal located at the side of a roadway.
 - e. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of such entrance (when property sign posted).
 - f. On an exclusive bicycle lane.
 - g. At any place where official traffic control devices prohibit standing.
- (3) Park a vehicle, whether occupied or not, except temporarily for the purpose of, and while ~~actually~~ engaged in, loading or unloading merchandise or passengers:
- a. Within 50 feet of the nearest rail of a railroad crossing unless the department of transportation or City Manager establishes a different distance due to unusual circumstances.
 - b. Alongside or adjacent to any curb painted yellow.
 - c. Across pavement lines painted on the roadway designated for parallel or angular parking.
 - d. At any place where official signs prohibit parking.
- (4) Park overnight any recreational vehicle, travel trailer, travel camper, mobile home or similar vehicle, or park any boat trailer, utility trailer or similar vehicle whether occupied or not, overnight on public property, including ~~but not limited to~~ public streets and public parking lots, with the exception of special events ~~that have been approved by the events committee and~~ that have obtained a special events permit, and then only in designated City-owned parks and parking lots.
- (5) All vehicles, including but not limited to recreational vehicles, boat trailers and utility trailers, parked for any time on public property, ~~shall~~ must be currently and validly registered with the appropriate state title as evidenced by a valid tag displayed on the vehicle.

SECTION 25. It is proposed that Chapter 78, Section 85, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended to read as follows:

Section 78-85. Handicapped parking.

No vehicle ~~shall~~ may stop, stand or park within any specially designated and marked handicapped parking space provided in accordance with F.S. section 316.1955, unless such vehicle displays a parking permit issued pursuant to F.S. section 316.1958 or 320.0848, ~~and~~ or such vehicle is transporting a person eligible for the parking permit.

SECTION 26. It is proposed that Chapter 78, Section 86, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended to read as follows:

Section 78-86. Fire lanes on private property devoted to public use.

- (a) Fire lanes ~~shall be~~ are established by the fire chief on private property devoted to public use, where the parking of motor vehicles or other obstructions may interfere with the ingress and egress of fire department vehicles for the protection of persons or property, such as shopping centers, ~~bowling lanes,~~ theaters, hospitals, churches, private alleys and similar locations.
- (b) Marking of fire lanes designated by the fire chief ~~shall~~ will be done by the owner or lessee of the private property. Fire lane signs ~~shall~~ must be a type conforming to the standards provided for in the

most recent manual and specifications of the Florida Department of Transportation, and furnished and erected by the owner or lessee of the private property.

- (c) Parking of motor vehicles in or otherwise obstructing fire lanes ~~shall be~~ is prohibited ~~at all times~~.

SECTION 27. It is proposed that Chapter 78, Section 87, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended to read as follows:

Section 78-87. Diagonal parking.

Diagonal parking is permitted only when signs or other markings so indicate, ~~but in no case shall any~~ No vehicle in excess of 20 feet in length may park in a diagonal parking space or diagonally to the curb line on any paved street within the corporate limits of the City.

SECTION 28. It is proposed that Chapter 78, Section 88, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended to read as follows:

Section 78-88. Backing up to curb.

No vehicle ~~shall~~ may be backed up to any curb on a public street, unless signage dictates otherwise, except during the time the vehicle is ~~actually~~ being loaded or unloaded.

SECTION 29. It is proposed that Chapter 78, Section 89, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended to read as follows:

Section 78-89. Driving over raised street curb.

It ~~shall be~~ is unlawful for any person to drive a motor vehicle over a raised street curb for the purpose of parking on public property or on private property without permission.

SECTION 30. It is proposed that Chapter 78, Section 90, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended to read as follows:

Section 78-90. ~~Starting parked vehicle.~~ Schedule of administrative fees (fines) for parking violations.

~~No person shall start in motion a vehicle which is stopped, standing or parked, unless and until such movement can be made with reasonable safety.~~

- (a) The schedule of fines and fees to be assessed for parking violations is established by ordinance and is in accordance with state and federal laws.

| <u>Sec. Reference</u> | <u>Violation</u> | <u>Fine [Fee]</u> |
|-----------------------|--|-----------------------|
| <u>78-73</u> | <u>Parked to obstruct traffic</u> | <u>\$50.00</u> |
| <u>78-74</u> | <u>Parked in a hazardous and/or congested places</u> | <u>50.00</u> |
| <u>78-75</u> | <u>Improper exiting of a parked position</u> | <u>50.00</u> |
| <u>78-76</u> | <u>Parking for more than a consecutive 60-hour period</u> | <u>50.00</u> |
| <u>78-77</u> | <u>Overtime parking</u> | <u>50.00</u> |
| <u>78-78</u> | <u>Parking adjacent to schools where traffic control devices prohibit,</u> | <u>50.00</u> |

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| | <u>stopping, standing or parking</u> | |
| 78-79(a) | <u>Parked in a passenger zone</u> | <u>50.00</u> |
| 78-79(b)(1) | <u>Improperly parked in a loading zone</u> | <u>50.00</u> |
| 78-79(b)(2) | <u>Improperly backed into a loading zone without a special permit</u> | <u>50.00</u> |
| 78-80(a) | <u>A bus, taxicab, horse-drawn vehicle or carrier parked other than where signs permit in a designated business district</u> | <u>50.00</u> |
| 78-80(b) | <u>A vehicle parked in a stand designated for either a bus, taxi-cab, horse-drawn vehicle or carriage</u> | <u>50.00</u> |
| 78-81 | <u>Parking after storm warnings issued</u> | <u>50.00</u> |
| 78-82(a)(1) | <u>Parked for the principal purpose of displaying a vehicle for sale</u> | <u>50.00</u> |
| 78-82(a)(2) | <u>Parked for the principal purpose of washing, greasing or repairing a vehicle</u> | <u>50.00</u> |
| 78-82(b) | <u>Parked for the purpose of advertising or sales</u> | <u>50.00</u> |
| 78-83(a) | <u>Parked with left wheel to curb and/or parked in excess of 12 inches from the curb</u> | <u>50.00</u> |
| 78-83(b) | <u>Parked in opposite direction of traffic on a one-way road and/or parked in excess of 12 inches of the curb on a one-way road</u> | <u>50.00</u> |
| 78-84(1)a | <u>Stop, stand or park in a double parked position</u> | <u>50.00</u> |
| 78-84(1)b | <u>Stop, stand or park on a sidewalk</u> | <u>50.00</u> |
| 78-84(1)c | <u>Stop, stand or park within an intersection</u> | <u>50.00</u> |
| 78-84(1)d | <u>Stop, stand or park on a crosswalk</u> | <u>50.00</u> |
| 78-84(1)e | <u>Stop, stand or park between a safety zone and the adjacent curb</u> | <u>50.00</u> |
| 78-84(1)f | <u>Stop, stand or park alongside or opposite a street excavation</u> | <u>50.00</u> |
| 78-84(1)g | <u>Stop, stand or park on a bridge, elevated structure or within a tunnel</u> | <u>50.00</u> |
| 78-84(1)h | <u>Stop, stand or park on railroad tracks</u> | <u>50.00</u> |
| 78-84(1)i | <u>Stop, stand or park on bicycle path</u> | <u>50.00</u> |
| 78-84(1)i | <u>Stop, stand or park at any place where traffic control devices prohibit stopping</u> | <u>50.00</u> |
| 78-84(a)(2)a | <u>Stand or park in front of a public or private driveway</u> | <u>50.00</u> |
| 78-84(a)(2)b | <u>Stand or park within 15 feet of a fire hydrant or fire department connection on public or private property</u> | <u>50.00</u> |
| 78-84(a)(2) | <u>Stand or park within 20 feet of a crosswalk at an intersection</u> | <u>50.00</u> |
| 78-84(a)(2)d | <u>Stand or park within 30 feet of approach to a flashing signal, stop sign or traffic control signal</u> | <u>50.00</u> |
| 78-84(a)(2)e | <u>Stand or park within 20 feet of driving approach to a fire station</u> | <u>50.00</u> |
| 78-84(a)(2)f | <u>Stand or park on an exclusive bicycle lane</u> | <u>50.00</u> |
| 78-84(a)(2)g | <u>Stand or park at any place where official traffic control devices prohibit standing</u> | <u>50.00</u> |
| 78-84(a)(3)a | <u>Park within 50 feet of nearest rail of a railroad crossing</u> | <u>50.00</u> |
| 78-84(a)(3)b | <u>Park alongside or adjacent to any curb painted yellow</u> | <u>50.00</u> |
| 78-84(a)(3)c | <u>Park across parking stall lines painted on a roadway</u> | <u>50.00</u> |
| 78-84(a)(3)d | <u>Park at any place where official signs prohibit parking</u> | <u>50.00</u> |

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| <u>78-84(a)(4)</u> | <u>Park an RV, boat or trailer overnight on public property</u> | <u>50.00</u> |
| <u>78-84(a)(5)</u> | <u>Park any vehicle on public property when such vehicle is not currently registered and tagged</u> | <u>50.00</u> |
| <u>78-85</u> | <u>Handicapped parking violation</u> | <u>250.00</u> |
| <u>78-86(c)</u> | <u>Stand or park in a fire lane on public or private property</u> | <u>50.00</u> |
| <u>78-87</u> | <u>Illegal diagonal parking</u> | <u>50.00</u> |
| <u>78-88</u> | <u>Illegally backed up to a curb</u> | <u>50.00</u> |
| <u>78-89</u> | <u>Driving over a raised street curb</u> | <u>50.00</u> |

- (b) Any person who receives a parking violation must pay the fine within ten days. A late fee of twenty dollars (\$20.00) will be attached to any fine not paid by the due date.
- (c) Persons may request an appeal to the special magistrate as provided in section 2-399 of the City Code. The written request for appeal must be submitted to the police department no later than ten days after service of the citation and be accompanied by a \$75.00 appeal fee. The fee may be returned to the violator if the special magistrate rules in favor of the violator. All disputes regarding proper notice of the violation and timeliness of the appeal will be heard by the special magistrate prior to any hearing on the merits of the violation itself.

SECTION 31. It is proposed that Chapter 78, Section 91, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended to read as follows:

Section 78-91. Schedule of administrative fees (fines) for parking violations. Issuance and disposition of citation.

- (a) ~~Established is the following schedule of fines [fees] to be assessed in cases of parking violations occurring within the city:-~~

| <u>Sec. Reference</u> | <u>Violation</u> | <u>Fine- [Fee]</u> |
|------------------------|---|------------------------|
| 78-73 | Parked to obstruct traffic | \$ 25.00 |
| 78-74 | Parked in a hazardous and/or congested places | 25.00 |
| 78-75 | Improper exiting of a parked position | 25.00 |
| 78-76 | Parking for more than a consecutive 60-hour period | 25.00 |
| 78-77 | Overtime parking | 25.00 |
| 78-78 | Parking adjacent to schools where traffic control devices prohibit, stopping, standing or parking- | 25.00 |
| 78-79(a) | Parked in a passenger zone | 25.00 |
| 78-79(b)(1) | Improperly parked in a loading zone | 25.00 |
| 78-79(b)(2) | Improperly backed into a loading zone without a special permit | 25.00 |
| 78-80(a) | A bus, taxicab, horse-drawn vehicle or carrier parked other than where signs permit in a designated business district- | 25.00 |
| 78-80(b) | A vehicle parked in a stand designated for either a bus, taxi cab, horse- | 25.00 |

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| | drawn vehicle or carriage- | |
| 78-81 | Parking after storm warnings issued | 25.00 |
| 78-82(a)(1) | Parked for the principal purpose of displaying a vehicle for sale | 25.00 |
| 78-82(a)(2) | Parked for the principal purpose of washing, greasing or repairing a vehicle- | 25.00 |
| 78-82(b) | Parked for the purpose of advertising or sales | 25.00 |
| 78-83(a) | Parked with left wheel to curb and/or parked in excess of 12 inches from the curb- | 25.00 |
| 78-83(b) | Parked in opposite direction of traffic on a one-way road and/or parked in excess of 12 inches of the curb on a one-way road- | 25.00 |
| 78-84(a)(1)a | Stop, stand or park in a double-parked position | 25.00 |
| 78-84(a)(1)b | Stop, stand or park on a sidewalk | 25.00 |
| 78-84(a)(1)c | Stop, stand or park within an intersection | 25.00 |
| 78-84(a)(1)d | Stop, stand or park on a crosswalk | 25.00 |
| 78-84(a)(1)e | Stop, stand or park between a safety zone and the adjacent curb | 25.00 |
| 78-84(a)(1)f | Stop, stand or park alongside or opposite a street excavation | 25.00 |
| 78-84(a)(1)g | Stop, stand or park on a bridge, elevated structure or within a tunnel | 25.00 |
| 78-84(a)(1)h | Stop, stand or park on railroad tracks | 25.00 |
| 78-84(a)(1)i | Stop, stand or park at any place where official traffic control devices prohibit stopping- | 25.00 |
| 78-84(a)(2)a | Stand or park in front of a public or private driveway | 25.00 |
| 78-84(a)(2)b | Stand or park within 15 feet of a fire hydrant or fire department connection on public or private property- | 50.00 |
| 78-84(a)(2) | Stand or park within 20 feet of a crosswalk at an intersection | 25.00 |
| 78-84(a)(2)d | Stand or park within 30 feet of approach to a flashing signal, stop sign or traffic control signal- | 25.00 |
| 78-84(a)(2)e | Stand or park within 20 feet of driving approach to a fire station | 50.00 |
| 78-84(a)(2)f | Stand or park on an exclusive bicycle lane | 25.00 |
| 78-84(a)(2)g | Stand or park at any place where official traffic control devices prohibit standing- | 25.00 |
| 78-84(a)(3)a | Park within 50 feet of nearest rail of a railroad crossing | 25.00 |
| 78-84(a)(3)b | Park alongside or adjacent to any curb painted yellow | 25.00 |
| 78-84(a)(3)c | Park across parking stall lines painted on a roadway | 25.00 |
| 78-84(a)(3)d | Park at any place where official signs prohibit parking | 25.00 |
| 78-84(a)(4) | Park an RV, boat or trailer overnight on public property | 50.00 |
| 78-84(a)(5) | Park any vehicle on public property when such vehicle is not currently registered and tagged- | 50.00 |
| 78-85 | Handicapped parking violation | 100.00 |
| 78-86(c) | Stand or park in a fire lane on public or private property | 50.00 |
| 78-87 | Illegal diagonal parking | 25.00 |
| 78-88 | Illegally backed up to a curb | 25.00 |
| 78-89 | Driving over a raised street curb | 25.00 |

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| 78-90 | Unsafe starting of a parked vehicle | 25.00 |
|-------|-------------------------------------|-------|

- (b) ~~Any person who receives a parking violation shall pay the fine or request an appeal to the special magistrate as provided in section 2-399 of the City Code within ten days. The written request for appeal shall be submitted to the community development department no later than ten days after service of the citation, and shall be accompanied by a \$75.00 appeal fee. The fee may be returned to the violator if the special magistrate rules in favor of the violator. All disputes regarding proper notice of the violation and timeliness of the appeal shall be heard by the special magistrate prior to any hearing on the merits of the violation itself.~~
- (a) When any law enforcement officer, code enforcement officer, parking enforcement specialist/public service officer, or Community Service Aide finds a vehicle parked in violation of any of the parking regulations specified in this chapter:
- (1) The officer will issue a citation to the vehicle and place the notice in a conspicuous place on the vehicle. The citation will contain language informing the registered owner of the vehicle which section of this chapter has been violated; of the procedures available to the registered owner under this section; and of the administrative fee which the registered owner must pay.
 - (2) If the administrative fine provided for in this section is not paid within ten days, the police department or its designee will mail a copy of the notice of violation together with the information specified in section (a)(1) to the registered owner of the vehicle informing the owner that an additional delinquency fee of \$20.00 has been assessed for the violation. The registered owner is directed to pay the administrative fine and the delinquency fee within ten days of the date of the written notice to owner.
 - a. Any person who fails to respond to the original violation notice within the time period specified, is deemed to have waived the right to contest the merits of such parking violation, except as provided below.
 - b. The City Manager or his designee may waive the specified administrative fine, after receipt of an affidavit of explanation, under the following circumstances:
 1. Valid and verifiable emergencies;
 2. Government employees on official business, verified by a supervisor;
 3. City volunteers detained because of their volunteer duties, as verified by volunteer coordinator; or
 - c. The chief of police may waive the administrative fine if a parking citation is unreasonable given the totality of circumstances, issued in error, or improperly issued without requiring an affidavit of explanation from the violator.
 - (3) If the specified administrative fine and the delinquency fee is not paid within ten calendar days after the date said notice is mailed, the police department or its designee will mail a second notice of violation to the registered owner with an additional delinquency fee of \$20.00 assessed in addition to the delinquency fees described in subsection (a)(2). If the above total administrative and delinquent fees are not paid within ten calendar days the entire administrative fee and delinquent fees owed, including all collection costs, will be referred for collection to a collection agency designated by the City Manager.

- (4) The administrative fines provided for violations of any of the parking regulations specified in this section will be in accordance with the schedule set out in section 78-90.

SECTION 32. It is proposed that Chapter 78, Section 92, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby reserved as follows:

Section 78-92. Issuance and disposition of citation. Reserved.

- ~~(a) When any law enforcement officer, code enforcement officer, parking enforcement specialist/public service officer finds a vehicle parked in violation of any of the parking regulations specified in this chapter:-~~
- ~~(1) The officer shall issue a notice of violation (citation) to the vehicle and shall place the notice in a conspicuous place on the vehicle. The citation shall contain language informing the registered owner of the vehicle which section of this chapter has been violated; of the procedures available to the registered owner under this section; and of the administrative fee which the registered owner shall pay.-~~
- ~~(2) If the administrative fee (fine) provided for in this section is not paid within ten days, the police department or its designee shall mail a copy of the notice of violation together with the information specified in section (a)(1) to the registered owner of the vehicle informing the owner that an additional delinquency fee of \$20.00 has been assessed for the violation. The registered owner is directed to pay the administrative fee (fine) and the delinquency fee within ten days of the date of the written notice to owner.-~~
- ~~a. Any person who fails to respond to the original violation notice within the time period specified, shall be deemed to have waived the right to contest the merits of such parking violation, except as provided below.-~~
- ~~b. The city manager or his designee may waive the specified administrative fee (fine), after receipt of an affidavit of explanation, under the following circumstances:~~
- ~~1. Valid and verifiable emergencies;~~
- ~~2. Government employees on official business, verified by a supervisor;~~
- ~~3. City volunteers actually detained because of their volunteer duties, as verified by volunteer coordinator; or~~
- ~~c. The chief of police may waive the administrative fee (fine) if a parking citation is unreasonable given the totality of circumstances, issued in error or improperly issued without requiring an affidavit of explanation from the violator.-~~
- ~~(3) If the specified administrative fee (fine) and the delinquency fee is not paid within ten calendar days after the date said notice is mailed, the police department or its designee shall mail a second notice of violation to the registered owner with an additional delinquency fee of \$20.00 assessed in addition to the delinquency fees described in subsection (a)(2). If the above total administrative and delinquent fees are not paid within ten calendar days the entire administrative fee and delinquent fees owed, including any and all collection costs, will be referred for collection to a collection agency designated by the city manager.-~~
- ~~(4) The administrative fees (fines) provided for violations of any of the parking regulations specified in this section shall be in accordance with the schedule set out in section 78-91~~

- (b) ~~The clerk of the court or the city's designee shall supply the department of highway safety and motor vehicles (department) with a magnetically encoded computer tape reel or cartridge which is machine readable by the installed computer system at the department, listing persons who have three or more outstanding parking violations, including violations of F.S. § 316.1955. The department shall mark the appropriate registration records of persons so reported.~~

SECTION 33. It is proposed that Chapter 78, Article III, Division 2, Parking Meters, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby repealed as follows:

~~DIVISION 2. PARKING METERS~~

Section 78-101. Authority to place and regulate. Reserved.

~~Parking meters shall be installed within the corporate limits of the city at those places as may be deemed necessary or advisable in accordance with a location plan to be submitted by the city manager from time to time as he may deem advisable, provided, that such meters shall be approved by the city commission. The rates, parking time, and location of the parking meters shall all be incorporated within the location plan to be submitted by the city manager and finally approved by the city commission.~~

Section 78-102. Time of operation; exceptions. Reserved.

- (a) ~~Parking meters shall be in operation and shall control all parking where such parking meters are installed from 8:00 a.m. until 6:00 p.m. each weekday except Wednesday; on each Wednesday, the parking meters shall be in operation only from 8:00 a.m. until 12:00 noon; parking meters shall not be operative on Sundays, neither shall there be any time limit for parking on Sundays.~~
- (b) ~~Parking meters shall not be operative nor shall there be any time limit on parking on the following holidays:~~
- ~~(1) January 1, New Year's Day.~~
 - ~~(2) July 4, Independence Day.~~
 - ~~(3) First Monday in September, Labor Day.~~
 - ~~(4) General election day in the city.~~
 - ~~(5) December 25, Christmas Day.~~

Section 78-103. Deposit of coins required; prima facie evidence of violation. Reserved.

~~During the hours set forth in section 78-102, it shall be unlawful for any person to park any vehicle in any parking space in the city where parking meters are installed under this division unless the time indicator of that parking meter shall register a period of time available for parking. Should the violation indicator show that the time on the parking meter has expired while that vehicle is parked in the parking space for which the parking meter is installed, it shall be prima facie evidence that parking is in violation of this division.~~

Section 78-104. Placing foreign objects in meters. Reserved.

~~It shall be unlawful for any person to place any material, slug or other thing in any parking meters except lawful money of the United States of America in the denomination or denominations indicated on the parking meter to be used, or to use the parking meters for any purpose other than that for which the meter is intended and in accordance with the instructions thereon exhibited.~~

Section 78-105. Damaging or interfering with meters. Reserved.

~~It shall be unlawful for any person to willfully or maliciously damage, molest or destroy any parking meter installed or possessed by the city, or to in any way interfere with the operation of the parking meters.~~

SECTION 34. It is proposed that Chapter 78, Article IV, Towing Regulations of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby repealed as follows:

ARTICLE IV. TOWING REGULATIONS RESERVED.

Section 78-111. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~*Non-consensual tow* shall mean the recovery, towing, removal and storage of a vehicle or vessel without authorization of the vehicle/vessel owner or authorized driver and shall include both "police directed tows" and "private property impounds" as defined herein.~~

~~*Person* means any natural person, firm, partnership, association, corporation or other entity of any kind.~~

~~*Recover* means to take possession of a vehicle or vessel and its contents and to exercise control, supervision and responsibility over it.~~

~~*Remove* means to change the location of a vehicle or vessel by towing it from private property without the consent of the registered owner or other legally authorized person in control of the vehicle or vessel.~~

~~*Store* means to place and leave a towed vehicle at a location where the person providing the towing service or his designee exercises control, supervision or responsibility over the vehicle.~~

~~*Tow* means to haul, draw or pull along a vehicle or vessel by means of another vehicle or piece of machinery equipped with booms, car carriers, lifts, transports, winches or similar towing equipment.~~

~~*Tow truck or tow service vehicle* means any privately owned motor driven vehicle, including, but not limited to, car carriers, used in the recovery, towing or removal of a vehicle. shall mean any vehicle used to tow, haul, carry or to attempt to tow, haul or carry a vehicle or vessel.~~

~~*Tow operator* means any person who provides the services of recovering, towing or removing vehicles and any vehicle storage services associated therewith.~~

~~*Tow service or tow truck company* means a person, company, corporation or other entity which engages in, owns or operates a business of which provides towing, recovery, removal and storage of vehicles or vessels for compensation.~~

~~Vehicle shall be defined consistent with the definition found in F.S. § 715.07.~~

~~Vessel shall mean every description of watercraft, barge and air boat used or capable of being used as a means of transportation on water, other than a seaplane or a "documented vessel" as defined in F.S. § 327.02.~~

~~Sec. 78-112. Application for tow service and operator's permit.~~

- ~~(a) No tow service or tow operator shall engage in nonconsensual towing without first having obtained a tow operator permit from the city. Each permit will meet the following specifications:~~
 - ~~(1) Contain a photograph of the tow operator, (FEIN# of business), and driver's license # of individual tow operator of tow truck;~~
 - ~~(2) Provide a place for the chief of police or designee to validate the permit:~~
 - ~~a. If the permit is lost, damaged, stolen or becomes illegible or the permit holder changes tow services, the permit must be replaced. The replacement permit shall be valid only for the remainder of the time period for which the initial permit was valid; and~~
 - ~~b. The permit or decal issued by the city shall be displayed on every tow truck on the lower left windshield of each permitted tow truck.~~
- ~~(b) It shall be unlawful for the owner of any tow service to permit any person to be employed as a tow operator conducting nonconsensual towing within the city unless such person has been granted a tow operator permit to engage in nonconsensual towing which has been validated by the chief of police or designee. Upon issuance of the permit, the tow service or operator is granted the privilege of engaging in nonconsensual towing within the city limits unless such permit expires or is suspended or revoked, as provided in this article. Each permit shall be valid for one year from date of issuance.~~
- ~~(c) To obtain a tow operator permit, an applicant must provide the following information on a form provided by the city:~~
 - ~~(1) Submit to the chief of police or designee a certified copy from the Florida Department of Law Enforcement of his/her criminal history and a certified copy of his/her driving record from the Florida Department of Highway Safety and Motor Vehicles, OR submit proof of compliance with the State of Florida Wrecker Operator System as provided in Section 321.051, Florida Statutes; and~~
 - ~~(2) Possess a valid Florida Class E driver's license and provide a photocopy to the chief of police or designee; and~~
 - ~~(3) Not have been convicted, pled nolo contendere to, or had adjudication withheld for or been incarcerated after any conviction, plea of nolo contendere or adjudication withheld for any of the following:~~
 - ~~a. Any capital felony, any first degree felony, sexual battery, any violent felony involving the use of a gun or knife or which results in great bodily harm;~~
 - ~~b. Within the previous ten years, any violent felony including not referenced in subsection a. above;~~
 - ~~c. Within the previous ten years, any felony or first degree misdemeanor directly related to the business of towing motor vehicles or vessels; repossession of motor vehicles or vessels; motor~~

~~vehicle theft; car jacking or chop shops; or liens for recovering, towing or storing vehicles and vessels related to F.S. § 713.78; or~~

- d. ~~Within the previous five years of either: (1) driving under the influence of alcohol, a controlled substance, or a chemical substance, to the extent that normal faculties are impaired; or (2) driving with an unlawful blood alcohol level; and~~

~~(4) Provide a valid certificate of insurance which satisfies the minimum insurance requirements set forth in section 78-120 of this article.~~

- ~~(d) A permit shall be reviewed and granted or denied in writing within seven business days. If the permit is denied, the reason for such denial shall be provided in writing and shall also advise that the applicant may correct deficiencies in the application within seven days of the notice of denial without incurring an additional application fee.~~

- ~~(e) The initial permit fee shall be \$50.00 per applicant, and may be amended annually by ordinance in accordance with the city's fee schedule.~~

~~Sec. 78-113. Authorized fees and charges.~~

- ~~(a) Any tow service engaged in the business of nonconsensual towing shall not charge the owner of any towed vehicle or personal property in excess of the fees listed in subsection (d) below. No additional fees or charges whatsoever may be charged unless specifically established and authorized by Florida Statutes. Such maximum fees will be subject to rate review as provided in subsection (c), notwithstanding that such review may occur less than annually for the first instance.~~

- ~~(b) A person, operator, firm or corporation that provides nonconsensual towing and storage services pursuant to this article shall accept payment for charges from the vehicle owner or authorized representative in any of the following forms:~~

- ~~(1) Cash;~~
- ~~(2) Major credit card;~~
- ~~(3) Debit card; and~~
- ~~(4) USPS Money Order.~~

- ~~(c) Maximum nonconsensual towing fees shall be subject to amendment no more than annually by the city commission after receiving a request for fee modification by the tow service owners and recommendations by the city based on financial information submitted by the nonconsensual tow services as to their costs for the removal of vehicles and other information. The required information shall be submitted by the tow service owners by July 30 of each year. The maximum fees shall be adopted by the city commission prior to September 30 of each year in which a request for modification has been received, provided that the city commission is under no obligation to change the fees. The city commission may vote to keep the fees at the current rate. Such maximum fees shall be effective until changed via ordinance by the city commission.~~

- ~~(d) The towing fees are as follows:~~

- ~~(1) Automobiles, pickup trucks, econoline type vans, trailer combinations, boats, motorcycles, mopeds and small campers:~~

- ~~a. Towing fee: \$100.00.~~

- b. ~~Administrative fee: \$30.00.~~
- c. ~~Storage fee: \$15.00 per day (24 hour period) after the first 24 hours.~~
- (2) ~~Large trucks that require a class "C" tow, wrecker or other special equipment:~~
 - a. ~~Towing fee: \$200.00.~~
 - b. ~~Storage fee: \$10.00 per day (24 hour period) after the first six hours.~~
- (3) ~~After hour additional retrieval fee (after 5:00 p.m. and all day Saturday, Sunday and federal holidays): \$30.00.~~

~~Section 78-114. Vehicle not connected upon operator returning.~~

~~The owner or operator of any tow service vehicle which is summoned to tow away any vehicle or vessel on public or private property shall not remove or tow the vehicle away and shall not charge any fee if the vehicle operator returns to the vehicle or vessel prior to the tow operator having physically connected the vehicle or vessel to the towing apparatus.~~

~~Section 78-115. Vehicle not towed upon operator returning.~~

~~If the registered owner or other legally authorized person in control of the vehicle or vessel arrives at the scene prior to removal or towing of the vehicle or vessel, the vehicle or vessel shall be disconnected from the towing or removal apparatus, and that person shall be allowed to remove the vehicle or vessel without interference upon the payment of \$50.00 for which a receipt shall be given, unless that person refuses or is unable to remove the vehicle or vessel which is otherwise unlawfully parked. The towing company must tell the caller requesting the tow of the \$50.00 charge to be imposed should the registered owner or other legally authorized person in control of the vehicle or vessel arrive at the scene prior to removal or towing of the vehicle or vessel.~~

~~Section 78-116. Point of tow to point of storage and timely notification of city police department.~~

- (a) ~~Except as provided in section 78-115 above, except for bona fide emergencies and except as otherwise directed by a sworn law enforcement officer authorizing the tow may expressly direct, a vehicle in tow shall be taken from the point of tow to the permanent business address of the tow service where vehicles are normally stored. Temporary storage at any other location is prohibited.~~
- (b) ~~Point of storage must be located on Amelia Island, Nassau County, Florida.~~
- (c) ~~The person or tow service towing or removing the vehicle or vessel shall, within 30 minutes after completion of such towing or removal, notify the Fernandina Beach Police Department of such towing or removal, the location of storage site, the time the vehicle or vessel was towed or removed, and the make, model, color and license plate number of the vehicle or description and registration number of the vessel and shall obtain the name of the person at the Fernandina Beach Police Department to whom such information was reported and note that name on a trip record.~~
- (d) ~~The city will have the authority to establish an official temporary tow lot for special events, such as the annual Shrimp Festival. A representative of the tow company shall be present during hours determined by the city to take payments and to release vehicles. At the end of the designated time the tow company shall remove any remaining vehicle to their own business lot. Tow companies may share representation at the temporary tow lot under their own terms and arrangements.~~

~~Section 78-117. Civil citation.~~

~~In addition to any criminal prosecution that may occur, police officers and code enforcement officers may issue a civil citation in accordance with section 1-12 of the City Code to tow service owners or their authorized representatives for violations of any section of this article. All tow services and operators engaged in the business of nonconsensual towing shall be subject to an annual inspection for compliance with all city ordinances and applicable state and federal law.~~

~~Section 78-118. Receipt to be furnished to owner when vehicle is claimed.~~

~~When a towed vehicle or vessel is claimed, the tow service shall furnish the owner or other legally authorized person with a receipt which shall include the name of the person or management entity who authorized the towing.~~

~~Section 78-119. Storage and retrieval.~~

- ~~(a) The tow service shall be available for retrieval of stored vehicles at least from 8:00 a.m. to 6:00 p.m. Monday through Friday, and, when closed, shall have posted prominently on the exterior of the storage facility and place of business, if different, a notice indicating a telephone number where the tow truck company can be reached at all times. Upon request of the vehicle/vessel owner or authorized driver/agent, the tow truck company shall release the vehicle/vessel to the vehicle/vessel owner or authorized driver/agent within one hour.~~
- ~~(b) Tow truck companies shall allow every vehicle/vessel owner or authorized driver/agent to inspect the interior and exterior of the towed vehicle upon his or her arrival at the storage facility before payment of any charges. With the exception of vehicles or vessels being held pursuant to the specific request or "hold order" of a law enforcement agency, the vehicle/vessel owner or authorized driver/agent shall be permitted to remove the vehicle license tag and any and all personal property inside but not affixed to the vehicle/vessel.~~
- ~~(c) A vehicle/vessel owner who shows a government issued photo identification shall be given access to view ownership documents stored in the vehicle/vessel. The vehicle/vessel and/or personal property shall be released to the vehicle/vessel owner if the ownership documents are consistent (name and address) with the photo identification. When a vehicle/vessel owner's government issued identification and ownership documents are stored inside the impounded vehicle due to unforeseen circumstances, the tow truck company shall be required to recover the ownership documents stored in the impounded vehicle (i.e., glove compartment, sun visors, etc.) upon receipt of a vehicle/vessel key, vehicle access code, or electronic device from the vehicle/vessel owner that would allow entry. The vehicle/vessel and/or personal property shall be released to the vehicle/vessel owner if the ownership documents are consistent with the photo identification.~~
- ~~(d) Tow truck companies shall not, as a condition of release of the vehicle/vessel, require a vehicle/vessel owner or authorized driver/agent to sign any release or waiver of any kind which would release the tow truck company from liability for damages noted by the vehicle/vessel owner or authorized driver/agent at the time of the vehicle's/vessel's release. A detailed, signed receipt showing the legal name of the tow truck company removing the vehicle/vessel shall be given to the vehicle/vessel owner or authorized driver/agent at the time of payment, whether requested or not.~~

Section 78-120. Minimum insurance requirements.

- (a) ~~All tow services or independent tow operators shall maintain a minimum of \$1,000,000.00 per occurrence of the following commercial insurance: general/garage liability, auto liability for each tow service vehicle, on hook cargo liability, and worker's compensation in amounts as required by state law. Each insurance policy shall be required to be in the name of the tow service and shall include coverage for towing and storage. All such insurance shall be maintained with a duly qualified insurance company authorized to do business within the State of Florida. Said insurance coverage shall remain in effect throughout the period that the tow service and/or operator performs towing and/or storage services.~~
- (b) ~~All insurance policies required shall be issued by insurance companies licensed and admitted to write commercial liability insurance in the State of Florida. No policy shall be accepted which is less than a six-month duration. Each policy shall be endorsed to provide for 30 days written notice to the city of any nonrenewal of the policy or at least ten days written notice to the city of any cancellation/nonpayment of the policy.~~
- (c) ~~A properly completed certificate of insurance evidencing all insurance coverage shall be made available to the city upon application for an operating permit. Each vehicle must be listed on the certificate(s) by its year, make and vehicle identification number. Certificates of insurance must contain the following name and address as certificate holder: City of Fernandina Beach, 204 Ash Street, Fernandina Beach, Florida 32034. Evidence of the renewal of the policy shall be filed with the city prior to such policy's expiration date. Failure to file such evidence of insurance, or failure to have same in full force and effect, may result in denial of a permit, revocation or suspension of the permit, a denial of renewal of such permit, issuance of a civil citation, a misdemeanor charge or other such remedies available to the city herein.~~
- (d) ~~The division may deny, suspend or revoke the operating permit of any company for failure to obtain or maintain insurance as required by this article. Any company which submits false or fraudulent insurance documents shall be subject to immediate denial or revocation. Such companies shall not be eligible to reapply for a tow operator permit for five years. The city shall notify the state department of financial services/division of insurance fraud for follow up investigation and review. Upon denial, suspension or revocation of the tow operator permit, the company shall be entitled to an appeal according to the provisions in this article (hearings and appeals).~~
- (e) ~~The city shall suspend the operating permit of any company which fails to ensure that each and every registered vehicle associated with the company has:-~~
 - (1) ~~A current certificate of insurance provided to the city by the authorized agent or insurance company no later than the date of expiration of its previous policy, or~~
 - (2) ~~A reinstatement notice provided to the city no later than the date of cancellation of said policy.~~
 - (3) ~~Any company which has had its tow operator permit suspended more than two times in any twelve-month period may have such permit revoked for a period of one year.~~

~~Section 78-121. Repair of vehicle without prior authorization prohibited.~~

~~It shall be unlawful for any person to disassemble or to make any repairs, alterations or additions to any such towed vehicle or vessel without the written consent signed by the vehicle's or vessel's owner or duly authorized agent.~~

~~Section 78-122. Penalties.~~

~~Any tow service or tow operator that violates any of the provisions of this article may be punished by imprisonment not to exceed 60 days, by issuance of a \$75.00 civil citation or by imposition of a fine not to exceed \$500.00 per violation in accordance with section 1-12 of the City Code. Each violation shall be considered a separate offense. In addition, the city may institute proceedings in a court of competent jurisdiction to compel compliance with this article. A certified copy of an order imposing a civil fine or city bill for penalties due under this section may be recorded in the public records and thereafter shall constitute a lien upon any other real or personal property owned by the violator and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After three months from the filing of any such lien that remains unpaid, the city may foreclose or otherwise execute on the lien. All costs and attorneys' fees incurred by the city for collecting any fine shall be paid by the violator.~~

~~Section 78-123. Revocation and appeal.~~

- ~~(a) The city may revoke the privilege of any tow service or tow operator to perform nonconsensual towing on any of the following grounds:~~
 - ~~(1) If the tow service owner and/or tow operator fails to register as required by this article;~~
 - ~~(2) If the registration contains a false statement of material fact;~~
 - ~~(3) If the tow service owner and/or tow operator provides monetary or other valuable consideration to the private property owner for the privilege of towing vehicles from the property under contract;~~
 - ~~(4) If the tow service owner and/or operator provides monetary or other valuable consideration to the private property owner for each or any individual vehicle towed from the property;~~
 - ~~(5) If the tow service owner and/or tow operator charges the owner of any towed vehicle or personal property fees in excess of those established by resolution adopted by city council; or~~
 - ~~(6) If a tow operator fails to display on the tow truck, easily visible to the public, the tow operator permit while performing a nonconsensual tow.~~
- ~~(b) Three violations of the provisions of this section by any tow service owner and/or operator of a tow service vehicle within a one-year period shall result in the automatic suspension of the owner's and/or operator's privilege to engage in the business of nonconsensual towing within the city limits of Fernandina Beach. In the event of such suspension:~~
 - ~~(1) The chief of police or designee shall inform the tow service owner and/or tow operator in person or by certified or registered mail within seven days prior to the effective date of the suspension.~~
 - ~~(2) The tow service owner and/or tow operator may file a written request for a due process hearing within ten calendar days of the date of the suspension with the city manager or designee. Failure~~

~~to request a hearing within the ten calendar day period shall constitute a waiver by the tow service owner and/or tow operator of any rights to a hearing.~~

~~(3) At the due process hearing, the tow service owner and/or operator shall have the opportunity to present any testimony and/or documentation he/she believes negates or mitigates the suspension.~~

~~(4) Upon a review of the evidence presented at the hearing, the city manager or designee may revoke the tow service owner's and/or tow operator's privilege to engage in the business of nonconsensual towing for up to one year:-~~

~~a. The first revocation will result in a six month suspension.~~

~~b. The second and subsequent revocations will result in a one year suspension.~~

~~(c) Any tow service owner and/or tow operator whose privilege to engage in nonconsensual towing has been revoked by the city manager or designee, shall not be eligible to again obtain a permit with the police department for nonconsensual towing until such revocation period has expired. Any revocation shall include the period of suspension which led to the revocation.~~

~~(d) Any tow service owner and/or tow operator whose privilege to engage in the business of nonconsensual towing has been revoked by the city manager or designee may file an appeal within 15 days of the date of revocation pursuant to the appeals process.~~

~~(e) Any tow service owner and/or tow operator whose privilege to engage in nonconsensual towing has been revoked by the city manager or designee may appeal such decision to the city commission. Such appeal shall be taken by filing written notice with the city manager or designee within 15 days after the decision by the city manager or designee to revoke such privilege. The notice of the appeal shall contain the grounds for the appeal and shall contain information showing that either the finding is contrary to the law or is not supported by the competent substantial evidence. The city manager or designee shall transmit copies of the appeal to the city commission along with papers constituting the record upon which the action appealed from is based. The filing of a notice of appeal shall not delay the effectiveness of any revocation. The city commission may decide to uphold or reverse the decision of the city manager or designee. If the city commission reverses the decision of the city manager or designee, the nonconsensual towing privilege will be immediately reinstated.~~

Section 78-124. Scope of article.

~~(a) The provisions of this article and the relevant Florida Statutes shall be the exclusive regulations applicable to towing, recovery and removal of vehicles/vessels in the city and all storage provided therewith.~~

~~(b) This article shall not apply to the towing of a vehicle/vessel which occurs with the consent of the vehicle/vessel's owner or operator.~~

~~(c) Nothing in this article shall be construed to prohibit the discharge or storage of a vehicle or vessel lawfully recovered, towed or removed in another City of Nassau County and lawfully transported into the City of Fernandina Beach.~~

SECTION 35. If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof is held invalid by any court, administrative agency, or other body with appropriate

jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application will not be affected thereby.

SECTION 36. The provisions of this Ordinance will take effect immediately upon its passage and enactment.

ENACTED this 6th day of September, 2022.

CITY OF FERNANDINA BEACH

MICHAEL A. LEDNOVICH
Commissioner – Mayor

ATTEST:

APPROVED AS TO FORM & LEGALITY:



CAROLINE BEST
City Clerk

TAMMI E. BACH
City Attorney

Date of First Reading: August 2, 2022
Date of Second Reading/Final Hearing: September 6, 2022
Date of Publication: August 24, 2022